

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	Michelle Q. Wang Baldonado et al.	)	Examiner:
			)	Djenane M. Bayard
Serial No.	:	09/717,303	)	
			)	Art Unit:
Cnfrm. No.	:	8448	)	2444
			)	
Filed	:	November 22, 2000	)	
			)	
For	:	SYSTEM AND METHOD FOR MANAGING	)	
		A COMPUTER-MEDIATED DISCUSSION	)	
		FORUM	)	
			)	

---

**APPEAL BRIEF**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 41.37, Appellant hereby files an appeal brief.

Enclosed is the filing fee of \$540.00 required by 37 C.F.R. § 41.20(b)(2). You are hereby authorized to charge/credit Account No. 14-1138 for any deficiency/overage.

**1. REAL PARTY IN INTEREST**

The real party in interest is Xerox Corporation having a principle place of business at 45 Glover Avenue, P.O. Box 4505, Norwalk, CT 06856-4505.

**2. RELATED APPEALS AND INTERFERENCES**

None.

**3. JURISDICTIONAL STATEMENT**

Appellant believes that the Board has jurisdiction under 35 U.S.C. §134(a) to consider the appeal for the following reasons:

(1) Pursuant to 37 C.F.R. § 41.31, pending claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 of the above-identified application have been at least twice rejected and no questions relating to matters not affecting the merits of the invention exist;

(2) The Office has issued a final Office Action on merits on June 4, 2009 rejecting claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, and 39-47, from which date the appeal is taken. The final Office Action was based upon the Amendment filed March 24, 2009. The time for responding to the final Office Action expired on September 4, 2009; and

(3) A Notice of Appeal and a request for three-month extension of time is concurrently being filed in the Office herewith.

Accordingly, this appeal brief, along with requisite extension of time is being filed on the date indicated by the undersigned below.

#### **4. TABLE OF CONTENTS**

<b>5.</b>	<b>TABLE OF AUTHORITIES .....</b>	<b>4</b>
<b>6.</b>	<b>STATUS OF CLAIMS .....</b>	<b>4</b>
<b>7.</b>	<b>STATUS OF AMENDMENTS .....</b>	<b>4</b>
<b>8.</b>	<b>SUMMARY OF CLAIMED SUBJECT MATTER.....</b>	<b>5</b>
<b>9.</b>	<b>GROUND OF REJECTION TO BE REVIEWED ON APPEAL .....</b>	<b>6</b>
<b>10.</b>	<b>STATEMENT OF FACTS.....</b>	<b>7</b>
<b>11.</b>	<b>ARGUMENT.....</b>	<b>7</b>

A. The Office Has Failed To Set Forth A Prima Facie Case Of Obviousness To Reject Claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 Under 35 U.S.C.

	§103(a) As Being Unpatentable Over Knight in view of Burnstein	7
B.	The Office Has Failed To Set Forth A Prima Facie Case Of Obviousness To Reject Claims 8, 16, and 24 Under 35 U.S.C.	
	§103(a) As Being Unpatentable Over Knight in view of Burnstein	10
C.	The Office Has Failed To Set Forth A Prima Facie Case Of Obviousness To Reject Claims 40, 43, and 46 Under 35 U.S.C.	
	§103(a) As Being Unpatentable Over Knight in view of Burnstein.	11
<b>12.</b>	<b>Appendix</b>	<b>13</b>
<b>12. (a)</b>	<b>Claims Appendix</b>	<b>13</b>
<b>12. (b)</b>	<b>Claims Support and Drawing Analysis Section</b>	<b>13</b>
<b>12. (c)</b>	<b>Evidence Appendix</b>	<b>15</b>
<b>12. (d)</b>	<b>Related Proceedings Appendix</b>	<b>15</b>
<b>13.</b>	<b>Conclusion</b>	<b>16</b>
	Claims Appendix: <b>CLEAN COPY OF CLAIMS ON APPEAL</b>	<b>17</b>

**5. TABLE OF AUTHORITIES**

STATUTE	PAGE NUMBER(S)
35 U.S.C. §134(a)	1
35 U.S.C. §103(a)	3, 6, 7, 9, 10, 11

**6. STATUS OF CLAIMS**

In view of the Supplemental Amendment filed June 3, 2009, claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 are currently pending and rejected in the above-referenced application and are the subject of the present appeal. No claims have been allowed.

**7. STATUS OF AMENDMENTS**

No amendments have been filed subsequent to the final Office Action of June 4, 2009. However, a Supplemental Amendment was filed on June 3, 2009, a day prior to the final Office Action mail date, based upon a telephonic interview with Examiner Bayard on June 1, 2009. During the telephonic interview, Examiner Bayard indicated that incorporation of subject matter from previously presented dependent claims 39, 40, and 45 into respective independent claims 1, 9, and 17 would place the above-identified patent application in condition for allowance. Unfortunately, based on the conversation with the Examiner this Supplemental Amendment incorporating these changes did not appear on the Examiner's docket until after the final Office Action was mailed and thus was not seen by the Examiner. In a second telephonic interview conducted on December 3, 2009, Examiner Bayard indicated that the Supplemental Amendment had been entered. The Examiner indicated that in view of the current timing a response to the final Office Action of June 4, 2009 should be filed and at that time the Examiner would consider the previously filed Supplemental Amendment.

## **8. SUMMARY OF CLAIMED SUBJECT MATTER**

With respect to independent claims 1, 9, and 17, an information monitoring device adapted to monitor one or more electronic email documents in an information stream associated with a first electronic forum, and compares information about the one or more electronic email documents to two or more rules, wherein the comparison is between newer of the one or more email documents and older of the one or more email documents to determine when a new topic of conversation has begun by way of example is illustrated and disclosed at FIG. 1, element 140, page 5, lines 28-30 and page 6, line 9;

A forum spawning device adapted to query a set consisting of users participating in the first forum when at least two of the two or more rules is satisfied, and creates a new electronic forum based on one or more replies from the set of users by way of example is illustrated and disclosed in FIG. 1, element 160 and page 7, line 15;

A subscriber determining device adapted to determine which of the queried users indicate interest in the new electronic forum and subscribes each interested user to the new electronic forum, but does not subscribe users of the set who do not indicate interest in the new electronic forum by way of example is illustrated and disclosed in FIG. 1, element 170 and page 7, lines 5-6 and 25; and

Wherein the two or more rules comprise at least two of the following: how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period by way of example is disclosed at page 5, line 32 – page 6, line 4.

Dependent claims 8, 16, and 24 by way of example are disclosed at page 8, lines 14-15.

Dependent claims 40, 43, and 46 by way of example are disclosed at page 1, lines 22-28 and 32 and page 6, line 1.

**9. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**A.** Whether claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 were improperly rejected by the U.S. Patent and Trademark Office (“Office”) under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,778,982 to Knight et al. (Knight) in view of U.S. Patent Application No. 2002/0032735 to Burnstein et al. (Burnstein).

**B.** Whether claims 8, 16, and 24 were improperly rejected by the Office under 35 U.S.C. §103(a) as being unpatentable over Knight in view of Burnstein.

**C.** Whether claims 40, 43, and 46 were improperly rejected by the Office under 35 U.S.C. §103(a) as being unpatentable over Knight in view of Burnstein.

## **10. STATEMENT OF FACTS**

1. Claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 are not unpatentable over Knight in view of Burnstein. Knight at most discloses a traffic monitor routine configured to analyze queries, commands, postings and interface settings to tabulate information related to different groups, classifications, sub-classifications, topics, authors, chat rooms, interface customizations, etc., which are accessed the most or the least (element 538 of FIG. 5 and col. 24, lines 52-65), and Burnstein at most discloses disparately searching users from different groups/forums who can have input and output via telephone, email, a person, fax, surface mail, or web-based email (paragraph [0101] at page 8);

2. Claims 8, 16, and 24 are not unpatentable over Knight in view of Burnstein. Knight at most discloses returning a number of “hits” or matching records in response to message queries on the part of a user (col. 9, lines 29-34), and Burnstein is not being applied to reject these claims; and

3. Claims 40, 43, and 46 are not unpatentable over Knight in view of Burnstein. Knight at most discloses sorting information into a number of subject matter areas that represent logical collections of content according to a set of service provider or user specific rules, filters, criteria, etc., and Burnstein at most discloses disparately searching users from different groups/forums who can have input and output via telephone, email, a person, fax, surface mail, or web-based email (paragraph [0101] at page 8).

## **11. ARGUMENT**

**A. The Office Has Failed To Set Forth A Prima Facie Case Of Obviousness To Reject Claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 Under 35 U.S.C. §103(a) As Being Unpatentable Over Knight In View Of Burnstein.**

Knight and Burnstein do not disclose or suggest “an information monitoring device adapted to monitor one or more electronic email documents in an information stream associated with a first electronic forum, and compares information about the one or more electronic email documents to two or more rules, wherein the comparison is between newer of the one or more email documents and older of the one or more email documents to determine when a new topic of conversation has begun,” as recited by claim 1, or “monitoring one or more email documents in an information stream associated with a first forum; comparing information about the one or more email documents to two or more rules, wherein the comparing is comparing newer of the one or more email documents to older of the one or more email documents to determine when a new topic of conversation has begun,” as recited by claims 9 and 17.

As noted above, the Supplemental Amendment filed June 3, 2009, amended claims 1, 9, and 17 to respectively incorporate the subject matter of corresponding dependent claims 39, 42, and 45 which the Examiner indicated would place this application in condition for allowance. Since this Supplemental Amendment was entered, but did not appear on the Examiner’s docket for consideration before issuing the Final Office Action, the Office rejected claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 under 35 U.S.C. §103(a) as being unpatentable over Knight in view of Burnstein. The Office asserts Knight discloses wherein the comparison is between newer email messages and older messages to determine when a new topic of conversation has begun, and cites to col. 24, lines 52-65. However, in the cited portions, Knight notes (emphasis added):

The final component of message retrieval/indexing system 500 is message traffic monitor routine 538. This routine is generally configured to analyze user queries, commands, postings and interface settings (i.e., which groups/authors are listed as favorites of a user) to tabulate the information discussed above in connection with 3D, such as hot discussion areas, including the "Top 10" posters list noted above for example. In other words this routine monitors such information as what groups, classifications, sub-classifications, topics, authors, chat rooms, interface customizations, etc., are being accessed the most (or least); what users are posting the most entries, etc., and creates one or more tabulation databases 580-582 (FIG. 5b) that can be used for a number of useful purposes.

In other words, Knight is disclosing a message retrieval/indexing system comprising a traffic monitor routine 538. This routine is generally configured to analyze user queries, commands, postings, and interface settings to tabulate hot discussion areas. Based on such traffic monitoring, the traffic monitor routine 538 creates one or more tabulation



databases 580-582 (*see*, for example, FIG. 5b of Knight). That is, Knight's traffic monitoring system is merely observing the popularity of search queries or postings by different users operating in different groups/chat rooms, which users are disparately searching and posting and then storing those popular queries or postings. Such an analysis of querying and posting of topics or discussions by users is not the claimed comparison of information about new and old email documents in an information stream associated with a single electronic forum to determine when a new topic of conversation has begun. In fact, there is no disclosure in Knight regarding any such comparing of information about new and old email documents associated with the same electronic forum. Rather, Knight is monitoring postings and queries over different groups in order to ascertain and tabulate popularity of the topics.

Similarly, though the Office asserts Burnstein discloses wherein the input can be an e-mail and cites to page 8, paragraph [0101], contrary to the Office's assertions, Burnstein does not disclose or suggest comparing new and old email documents for the same electronic forum. In the cited portions, Burnstein notes:

In the case of a non-null community entry, after the match is made only the present user is invited to join the already existing community. If the user answers in the affirmative, then the present user is added by the invention to the list for that extant community. The name of the community is added to the database for the present user. While the above text describes the primary embodiment of the invention, additional variations are now described. When matches are attempted, the invention adds contextual information to the user's search string. Users can have input and output via telephone, email, a person, fax, surface mail, or web-based email.

That is, Burnstein's disclosure of emails is in the context of a user response to an invitation to join a community, and is not a comparison of information about new and old email documents in an information stream associated with the same electronic forum, as claimed. In addition, like Knight, Burnstein too is concerned with contacting users that are searching or querying information based upon matching search queries entered by such disparately searching users and not users in the same electronic forum (*see*, for example, paragraph [0013] of Burnstein).

In sharp contrast to the disclosures of Knight and Burnstein, taken alone or in combination, the claimed invention is generally directed toward managing electronic messages within a discussion forum (*see*, for example, original specification at page 1, line

6), and more specifically, as required by the claims, monitoring and comparing information about new and old email documents in an information stream associated with an electronic forum to determine when a new topic of conversation within that electronic forum has begun. The claimed monitoring and comparison is advantageous, for example, in addressing scenarios where recognition of the time and cost involved in processing unwanted messages in a forum can affect the actions of the other members in the forum community. Specifically, members of the community, for example content contributors, or posters, who place information, such as electronic messages, within the forum may be hesitant to follow up on a posted topic of interest out of concern over increasing traffic within the forum. Thus, in any large forum, there are likely to be topics of interest to a subgroup that do not get addressed, and a myriad of topics that are only of interest to a small subgroup, but nevertheless are posted for the entire community to review (*see*, for example, original specification at page 1, lines 20-28). The claimed comparison of new and old email documents is an exemplary way to automatically create a new electronic forum (*e.g.*, with a forum spawning device) based upon replies from the users of the forum, as also claimed. Neither do Knight and Burnstein disclose or suggest the novel limitations of the claimed invention, nor do they achieve the above-noted exemplary advantages.

Accordingly, in view of the remarks above, since Knight and Burnstein fail to disclose or suggest the above-identified limitation of claims 1, 9, and 17, the Office has failed to establish a *prima facie* case of obviousness in the §103(a) rejection of claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47. Therefore, Appellants respectfully request the Board to reconsider and withdraw this rejection.

**B. The Office Has Failed To Set Forth A Prima Facie Case Of Obviousness To Reject Claims 8, 16, and 24 Under 35 U.S.C. §103(a) As Being Unpatentable Over Knight In View Of Burnstein.**

Knight and Burnstein do not disclose or suggest “wherein the information comparison is based on a rule-based model and a statistical-based model,” as recited by claims 8, 16, and 24. In the final Office Action, the Office has rejected claims 8, 16, and 24 under 35 U.S.C. §103(a) as being unpatentable over Knight in view of Burnstein, and asserted Knight at col. 9, lines 25-65 to disclose the above-identified limitations of claims 8, 16, and 24. In the cited portions, Knight discloses an interaction window 250 “that facilitates message search query formulations, message retrievals, message postings, etc., on the part of

the user. In response to such message queries, search robots on server 220 return a number of "hits" or matching records 251" (*see*, Knight at cited col. 9, lines 30-34). Further, Knight discloses extracting content from online message boards based on traffic monitorings (*see*, Knight at cited col. 9, lines 45-51).

However, Knight's interactive window does not compare any information, as claimed, let alone doing so based on a rule-based model and a statistical-based model. The Office has failed to show specifically where Knight discloses (emphasis added) "information comparison based on a rule-based model and a statistical-based model," as claimed. Indeed, nowhere in the cited portions or elsewhere is the claimed information comparison based on the claimed rule-based and statistical-based models is disclosed or suggested. Like Knight, Burnstein too is does not disclose or suggest the above-noted limitations of claims 8, 16, and 24.

Accordingly, in view of the foregoing remarks, and in addition to the remarks presented for independent claims 1, 9, and 17, since Knight and Burnstein, taken alone or in combination, fail to disclose or suggest the above-noted limitations of claims 8, 16, and 24, the Office has failed to establish a prima facie case of obviousness in the §103(a) rejection of claims 8, 16, and 24. Therefore, Appellants respectfully request the Board to reconsider and withdraw this rejection.

**C. The Office Has Failed To Set Forth A Prima Facie Case Of Obviousness To Reject Claims 40, 43, and 46 Under 35 U.S.C. §103(a) As Being Unpatentable Over Knight In View Of Burnstein.**

Knight and Burnstein do not disclose or suggest "wherein the information monitoring device detects whether the new topic of conversation is likely to generate additional email messages," as recited by claims 40, 43, and 46. In the final Office Action, the Office has rejected claims 40, 43, and 46 under 35 U.S.C. §103(a) as being unpatentable over Knight in view of Burnstein, and asserted Knight at col. 10, lines 5-10 to disclose the above-identified limitations of claims 40, 43, and 46.

However, in the cited portions, Knight discloses or suggests content extraction robots used initially by the service provider to construct a preexisting library of information which can be drawn upon when the service is first used. Prior to such a construction, Knight classifies and sorts information into a number of subject matter areas representing logical

collections of content according to a set of service provider rules, filters, criteria, etc. However, such a construction of an initial content database by Knight's system does not involve detecting whether a new topic of conversation is likely to generate additional email messages. In fact, Knight is silent with respect to any such detection of likelihood of generation of additional messages, let alone generation of additional e-mail messages. Like Knight, Burnstein too is silent with respect to this limitation of claims 40, 43, and 46.

Accordingly, in view of the foregoing remarks, and in addition to the remarks presented for independent claims 1, 9, and 17, since Knight and Burnstein, taken alone or in combination, fail to disclose or suggest the above-noted limitations of claims 40, 43, and 46, the Office has failed to establish a prima facie case of obviousness in the §103(a) rejection of claims 40, 43, and 46. Therefore, Appellants respectfully request the Board to reconsider and withdraw this rejection.

## **12. APPENDIX**

### **12. (a) CLAIMS APPENDIX**

A clean copy of the claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 involved in the appeal is included in the Claims Appendix.

### **12. (b) CLAIMS SUPPORT AND DRAWING ANALYSIS SECTION**

Claim 1: An information stream monitoring system comprising:

an information monitoring device adapted to monitor one or more electronic email documents in an information stream associated with a first electronic forum, and compares information about the one or more electronic email documents to two or more rules, wherein the comparison is between newer of the one or more email documents and older of the one or more email documents to determine when a new topic of conversation has begun; {**FIG. 1, element 140, page 5, lines 28-30 and page 6, line 9**}

a forum spawning device adapted to query a set consisting of users participating in the first forum when at least two of the two or more rules is satisfied, and creates a new electronic forum based on one or more replies from the set of users; {**FIG. 1, element 160 and page 7, line 15**} and

a subscriber determining device adapted to determine which of the queried users indicate interest in the new electronic forum and subscribes each interested user to the new electronic forum, but does not subscribe users of the set who do not indicate interest in the new electronic forum, {**FIG. 1, element 170 and page 7, lines 5-6 and 25**}

wherein the two or more rules comprise at least two of the following: how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period. {**Page 5, line 32 – page 6, line 4**}

Claim 9: An information stream monitoring method comprising:

monitoring one or more email documents in an information stream associated with a first forum; {**FIG. 1, element 140, page 5, lines 28-30 and page 6, line 9**}

comparing information about the one or more email documents to two or more rules, wherein the comparing is comparing newer of the one or more email documents to older of the one or more email documents to determine when a new topic of conversation has begun; {**FIG. 1, element 140, page 5, lines 28-30 and page 6, line 9**}

querying a set consisting of users participating in the first electronic forum when at least two of the two or more rules is satisfied; {**FIG. 1, element 160 and page 7, line 15**}

creating a new electronic forum automatically based on one or more replies from the set of users, {**FIG. 1, element 160 and page 7, line 15**} and

subscribing each queried user of the set indicating interest in the new electronic forum to the new electronic forum, but not subscribing to the new electronic forum users of the set who do not indicate interest, {**FIG. 1, element 170 and page 7, lines 5-6 and 25**}

wherein the two or more rules comprise at least two of the following: how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period. {**Page 5, line 32 – page 6, line 4**}

Claim 17: A computer readable information storage media comprising information that, when executed by a computer, cause the computer to perform a method comprising:

monitoring one or more email documents in an information stream associated with a first electronic forum; {**FIG. 1, element 140, page 5, lines 28-30 and page 6, line 9**}

comparing information about the one or more email documents to two or more rules, wherein the comparison is between newer of the one or more email documents and older of the one or more email documents to determine when a new topic of conversation has begun; {**FIG. 1, element 140, page 5, lines 28-30 and page 6, line 9**}

querying a set consisting of users participating in the first electronic forum when at least two of the two or more rules is satisfied; {**FIG. 1, element 160 and page 7, line 15**}

creating a new electronic forum based on one or more replies from the set of users; {**FIG. 1, element 160 and page 7, line 15**} and

subscribing each queried user of the set indicating interest in the new electronic forum to the new electronic forum, but not subscribing to the new electronic forum users of the set who do not indicate interest, {**FIG. 1, element 170 and page 7, lines 5-6 and 25**}

wherein the two or more rules comprise at least two of the following:  
how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period. {**Page 5, line 32 – page 6, line 4**}

#### **12(c). EVIDENCE APPENDIX**

None.

#### **12(d). RELATED PROCEEDINGS APPENDIX**

None.

**13. CONCLUSION**

For at least the foregoing reasons, the final rejection of appealed claims 1, 3, 5-6, 8-9, 11, 13-14, 16-17, 19, 21-22, 24-25, 31-33, 40, 41, 43, 44, 46, and 47 set forth in the final Office Action mailed June 4, 2009 should be reversed.

Respectfully submitted,

Date: December 4, 2009

/Shubhrangshu Sengupta/  
Shubhrangshu Sengupta  
Registration No. L0585

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1014  
Facsimile: (585) 263-1600



**CLAIMS APPENDIX**  
**CLEAN COPY OF CLAIMS ON APPEAL**

1. (Previously Presented) An information stream monitoring system comprising:

an information monitoring device adapted to monitor one or more electronic email documents in an information stream associated with a first electronic forum, and compares information about the one or more electronic email documents to two or more rules, wherein the comparison is between newer of the one or more email documents and older of the one or more email documents to determine when a new topic of conversation has begun;

a forum spawning device adapted to query a set consisting of users participating in the first forum when at least two of the two or more rules is satisfied, and creates a new electronic forum based on one or more replies from the set of users; and

a subscriber determining device adapted to determine which of the queried users indicate interest in the new electronic forum and subscribes each interested user to the new electronic forum, but does not subscribe users of the set who do not indicate interest in the new electronic forum,

wherein the two or more rules comprise at least two of the following: how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period.

2. (Canceled)

3. (Previously Presented) The system of claim 1, wherein the forum spawning device queries the set of users to determine a need for the new electronic forum.

4. (Canceled)

5. (Previously Presented) The system of claim 1, further comprising a subscriber maintenance device adapted to associate the new electronic forum and the set of users indicating interest in the new electronic forum.

6. (Previously Presented) The system of claim 1, further comprising an electronic document storage device adapted to store the one or more electronic email documents.

7. (Canceled)

8. (Previously Presented) The system of claim 1, wherein the information comparison is based on a rule-based model and a statistical-based model.

9. (Previously Presented) An information stream monitoring method comprising:

monitoring one or more email documents in an information stream associated with a first forum;

comparing information about the one or more email documents to two or more rules, wherein the comparing is comparing newer of the one or more email documents to older of the one or more email documents to determine when a new topic of conversation has begun;

querying a set consisting of users participating in the first electronic forum when at least two of the two or more rules is satisfied;

creating a new electronic forum automatically based on one or more replies from the set of users, and

subscribing each queried user of the set indicating interest in the new electronic forum to the new electronic forum, but not subscribing to the new electronic forum users of the set who do not indicate interest,

wherein the two or more rules comprise at least two of the following: how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged

on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period.

10. (Canceled)

11. (Previously Presented) The method of claim 9, wherein querying the set of users determines a need for the new electronic forum.

12. (Canceled)

13. (Previously Presented) The method of claim 9, further comprising associating the new electronic forum and the set of subscribers.

14. (Previously Presented) The method of claim 9, further comprising storing the one or more email documents.

15. (Canceled)

16. (Previously Presented) The method of claim 9, wherein the information comparison is based on a rule-based model and a statistical-based model.

17. (Previously Presented) A computer readable information storage media comprising information that, when executed by a computer, cause the computer to perform a method comprising:

monitoring one or more email documents in an information stream associated with a first electronic forum;

comparing information about the one or more email documents to two or more rules, wherein the comparison is between newer of the one or more email documents and older of the one or more email documents to determine when a new topic of conversation has begun;

querying a set consisting of users participating in the first electronic forum when at least two of the two or more rules is satisfied;

creating a new electronic forum based on one or more replies from the set of users; and

subscribing each queried user of the set indicating interest in the new electronic forum to the new electronic forum, but not subscribing to the new electronic forum users of the set who do not indicate interest,

wherein the two or more rules comprise at least two of the following:  
how long the electronic forum has been in use; how many email messages have been exchanged on the electronic forum; whether there has been a suggestion to create a new discussion forum; whether a certain number of email messages on a particular topic been received within a predetermined time period; whether the rate of email messages exchanged on a particular topic been statistically greater than normal; or whether a certain number of forum members exchanged email messages on a particular topic within a predetermined time period.

18. (Canceled)

19. (Previously Presented) The computer-readable information storage media of claim 17, wherein querying the set of users determines a need for the new electronic forum.

20. (Canceled)

21. (Previously Presented) The computer-readable information storage media of claim 17, further comprising associating the new electronic forum and at least one of the set of users.

22. (Previously Presented) The computer-readable information storage media of claim 17, further comprising storing the one or more email documents.

23. (Canceled)

24. (Previously Presented) The computer-readable information storage media of claim 17, wherein the information comparison is based on a rule-based model and a statistical-based model.

25. (Previously Presented) The computer-readable information storage media of claim 17, wherein the information comparison compares at least one of: subject information; email document posting information; and email document tracking information.

26.-30. (Canceled)

31. (Previously Presented) The system of claim 1, wherein the information stream comprises one or more email messages flowing between two or more of the set of users.

32. (Previously Presented) The method of claim 9, wherein the information stream comprises one or more email messages flowing between two or more of the set of users.

33. (Previously Presented) The information storage media of claim 17, wherein the information stream comprises one or more email messages flowing between two or more of the set of users.

34.-38. (Canceled)

39. (Cancelled).

40. (Previously Presented) The system of claim 1, wherein the information monitoring device detects whether the new topic of conversation is likely to generate additional email messages.

41. (Previously Presented) The system of claim 1, wherein the subscribers to the new electronic forum receive email messages from both the first electronic forum and the new electronic forum.

42. (Cancelled).

43. (Previously Presented) The method of claim 9, further comprising detecting whether the new topic of conversation is likely to generate additional email messages.

44. (Previously Presented) The method of claim 9, wherein the subscribers to the new electronic forum receive email messages from both the first electronic forum and the new electronic forum.

45. (Canceled).

46. (Previously Presented) The computer-readable information storage media of claim 17, further comprising detecting whether the new topic of conversation is likely to generate additional email messages.

47. (Previously Presented) The computer-readable information storage media of claim 17, the subscribers to the new electronic forum receive email messages from both the first electronic forum and the new electronic forum.

48.-50. (Canceled)